

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MARIO AGUILAR,**

**Defendant.**

**CASE NO. 8:14CR204**

**ORDER**

This matter is before the Court on the Defendant's Notice of Appeal (Filing No. 26), the Clerk's memoranda regarding the untimeliness of the notice (Filing No. 27) and in forma pauperis status (Filing No. 28).

On August 11, 2014, the Court entered Judgment and sentenced the Defendant to 7 months of imprisonment followed by one (1) year of supervised release (Filing No. 23). There has been no request to the Court for an extension of time to file a notice of appeal and on November 3, 2014, the Defendant filed his Notice of Appeal

Federal Appellate Rule of Procedure 4(b)(1)(A)(i) provides that, under the circumstances presented in this case, a criminal defendant's notice of appeal must be filed within 14 days of the entry of the judgment or order being appealed. Federal Appellate Rule of Procedure 4(b)(4) provides that the 14-day period may be extended by 30 days upon a finding of excusable neglect or good cause.

In this case, the Defendant has not shown excusable neglect or good cause. Accordingly, the Defendant's notice of appeal is untimely and the defendant will not be permitted to proceed in forma pauperis on appeal.

**IT IS ORDERED:**

1. The Defendant's Notice of Appeal (Filing No. 26) is untimely;

2. The Defendant may not proceed in forma pauperis on appeal; and
3. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address and to the Eighth Circuit Court of Appeals.

DATED this 6<sup>th</sup> day of November, 2014.

BY THE COURT

s/Laurie Smith Camp  
Chief United States District Judge